

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

v.

CHARLES DAVIDSON,
CHRISTOPHER TIESMAN,
WENDY MUDRA,
HASKELL ROSS,
KENNETH GINES

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Case No. 4:10–CR–00201

CHRISTOPHER TIESMAN’S RESPONSE TO THE GOVERNMENTS
SENTENCING MEMORANDUM

COMES NOW, CHRISTOPHER TIESMAN, by and through his attorneys, and files this Response to the Government’s Sentencing Memorandum and would respectfully show this Honorable Court as follows:

I.

In its Sentencing Memorandum, the Government attempts to resolve disputed facts with unsupported assertions and unsworn statements, all of which were not included in the factual proffer supporting the present criminal information. For example:

- The Government contends Mr. Tiesman permitted and approved unusual expenses. This is simply not the case. Mr. Tiesman implemented policies and procedures to prevent unusual expenses.
- The Government contends Chris was aware of various no match letters and told employees to ignore the letters. The Government ignores the grand jury testimony of Sheree Fournerat, IFCO payroll manager, who presented no-match letters to Chris in April 2006, only a few of weeks prior to the government raiding IFCO. Ms. Fournerat testified that when she informed Chris she had found no-

match letters in Mr. Pratts' office, Mr. Tiesman did not know what a no-match letter was. After she explained what they were he instructed her to forward them to HR.

- The Government states that Mr. Tiesman forbade the payroll manager to run checks of the employees' SSNs. In certain instances that is correct. It is unlawful to verify a social security number simply because a payroll employee believes an individual is an undocumented worker due to the fact that individual has a Hispanic sounding name.

II.

The government has provided this Court with only part of the story and Christopher Tiesman takes issue with the alleged facts set forth in the Government's Sentencing Memorandum. However, because this case has been resolved with a petty misdemeanor plea and the Government and Defendants are in agreement to no incarceration, Christopher Tiesman will not respond to the balance of the Government's unsupported factual assertions unless requested to do so by the Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2011, the foregoing document was electronically filed with the Clerk of the District Court using the CM/ECF system, and was served by electronic submission upon all counsel of record.

/S/ Christopher L. Tritico
Christopher L. Tritico